

2005 ASSEMBLY BILL 1074

1 AN ACT *to amend* 655.013 (1m) (intro.); and *to create* 655.013 (1p) of the
2 statutes; **relating to:** recovery of attorney fees in medical malpractice cases.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 655.013 (1m) (intro.) of the statutes is amended to read:

4 655.013 (1m) (intro.) Except as provided in sub. (1t), with respect to any act of
5 malpractice for which a contingency fee arrangement is entered into on and after
6 June 14, 1986, and before the effective date of this subsection [revisor inserts
7 date]. in addition to compensation for the reasonable costs of prosecution of the claim,
8 the compensation determined on a contingency basis and payable to all attorneys
9 acting for one or more plaintiffs or claimants is subject to the following limitations:

10 SECTION 2. 655.013 (1p) of the statutes is created to read:

655.013 **(1p)** (a) Except as provided in sub. (1t), with respect to any act of malpractice for which a contingency fee arrangement is entered into on or after the effective date of this subsection [revisor inserts date], in addition to compensation for the reasonable costs of prosecution of the claim, the compensation determined on a contingency basis and payable to all attorneys acting for one or more plaintiffs or claimants shall be as follows:

1. Forty percent of the first \$50,000 recovered.
2. Thirty-three and one-third percent of the next \$50,000 recovered.
3. Twenty-five percent of the following \$500,000 recovered.
4. Fifteen percent of any amount in excess of \$600,000 recovered.

(b) In this subsection, the reasonable costs of prosecution of the claim does not include medical costs incurred by the plaintiff, payments to consulting attorneys, or the attorneys' office overhead costs and office support staff costs.

(END)